CF0000061554

Division Bench (Criminal)

/- APPEAL OF PRISONER -/

No. 463 Name रघुनाराम

Father's Name धनीराम Residence मोहम्मद पुरी (मालवा)

Age 25 वर्ष Sentenced to आजीवन कारावास on

17-3-97 under Section 302, 201 by श्रीमान आर. एस. शर्मा JMFC धमतरी

S.F.No. द० प्र० कि० 433/96

It is explained to the prisoner that if he states or wishes to be represented by a legal practitioner the appellate Court will not proceed with the case for seven days unless the legal practitioner appears. If the legal practitioner does not appear with the seven days he may be heard at all if the prisoner states that the does not wish to be represented by legal practioner the Court may proceed at once with the case and will not be obliged to give a hearing to any legal practitioner who should appear.

1. Date of application for copy of Judgement :

2. Date of which copy received :-

3. Date on which Appelisent :-

4. Whether the prisoner wished to be represented or not Yes/No.

No. 463 Name रघुनाराम S/o धनीराम

Continued in 34 Jail धमतरी

No. 220 Dated 6.6.97

रजिस्टर्ड

Forwarded to the CHIEF JUDICIAL MAGISTRATE रायपुर together with a copy of judgement or order passed in the case for favour of transmission to the proper Appliate Court.

Superintendent, Central/Distt./
SUB-JAIL, DHAMTARI

Date of receipt in C.J.M's Office. 17.3.97 to 6.6.97

Date of receipt of record of accompany. March 14

Memo of Appeal of the appellate Court. April 30

No. _____ Dated May 31

Forwarded to the _____ June 6

C.J. Magistrate 81
60

Date of receipt in appellate Court. 21 days time

High Court of Madhya Pradesh
JABALPUR
JUN 97
Reg. No. 462
Recpt Clerk
High Court, Jabalpur

XI-HC-22

(16)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cr.A. No. 1205/97 सन्

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH: HON. SHRI L.C. BHADOO &
HON. SHRI DHIRENDRA MISHRA,JJ

Criminal Appeal No. of 1205 of 1997

Appellant — **Suna Ram**

Vs

Respondent — **State of M.P.**

Shri Saurabh Dangi, learned counsel for the appellant.
Shri U.N.S.Deo, learned Additional Public Prosecutor for the State.

ORAL JUDGMENT
(31/03/2006)

Per L.C.Bhadoo, J

By this appeal under Section 374(2) of the Code of Criminal Procedure the accused/appellant has questioned the legality and correctness of the judgment of conviction and order of sentence dated 17.03.97 passed by Additional Sessions Judge, Dhamtari in S.T. No. 433/96 whereby the learned Additional Sessions Judge after holding the accused/appellant guilty for the commission of offence under Sections 302 and 201 of the Indian Penal Code sentenced him to undergo imprisonment for life and to pay a fine of Rs. 500/- and sentenced to undergo .three years RI and to pay a fine of Rs. 200/-, in default of payment of fine to further undergo RI for one year and six months respectively. He further directed that both the sentences would run concurrently.

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक 2

मामला क्रमांक C.A.No. 405 सन् 1997

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

2. The admitted facts of the prosecution case are that the accused/appellant is the son of deceased Dhani Ram. P.W.-1 Chaiti Bai is the wife of deceased Dhani Ram and mother of accused Suna Ram. As the deceased was in detention in connection with the offence under Section 307 of the IPC, he asked the accused/appellant to get him released from the custody on which the accused/appellant in consultation with his mother and his father (since deceased) Dhani Ram entered into an agreement with one Kunwal Singh to sell the agricultural land and in lieu of that amount of Rs. 2500/- in two installments was paid to Chaiti Bai wife of deceased Dhani Ram from whom the accused/appellant took the amount and thereafter Dhani Ram was released on bail. After his release from the custody Kunwal Singh and accused/appellant Suna Ram asked Dhani Ram to execute the sale deed of the agricultural land in favour of Kunwal Singh as the land was in the name of Dhani Ram, but Dhani Ram was avoiding the execution of sale deed in favour of Kunwal Singh. Deceased Dhani Ram was residing with the accused/appellant in village Bhishampuri and since 02.06.96 the whereabouts of the deceased were not known and one body of unknown person was seen by the villagers on 07.06.96 in the river bed. The accused was informed by the villagers who took him to the river bed. At this, after seeing the body, accused identified and disclosed that the body was of his father on which P.W.-7 Ram Prasad, Suna Ram - accused/appellant and P.W.-11 Ram Bhuwan village Kotwar went to the Police Station Sihava and accused himself gave merg intimation P-12 to the effect that on Sunday i.e. 02.06.96 he along with his father went to Umar Gaon market for selling the winnowing basket (*Soopa)* and thereafter he along with his father and Leelanath of his village consumed liquor. At

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक 3

मामला क्रमांक Cr.A. No. 1205/97 सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

about 7.30 p.m. Lelanath went to his village. He along with his father came to his house. The food was not prepared; both of them went for sleep. At about 7.00 a.m. in the morning he saw that his father i.e. deceased Dhani Ram was not at the house. He went somewhere in the night itself. On Monday i.e. next day morning Rati Ram informed him that a day before thereto, in the night Dhaniram came to his house and was saying that he was not afraid of anybody. When he said that he is feeling sleepy on which Dhaniram left the place. On the following day i.e. on Tuesday and Wednesday search made about the whereabouts of his father and he went to the house of his uncle Heera Singh. Today, between 12.00-1.00 p.m. Makhan, Akhtu Ram and others came and informed that his father's body is lying in the Lakhanpuri river bed on which he went and saw that, face and head of the body was visible and the rest of the body was buried in the sand. Both the hands were eaten away by the animals. Who and how his father has been murdered is not known to him. On receiving this report the Investigating Officer left for the scene of occurrence and prepared the panchnama P-9 of the body of Dhani Ram after giving notice P-8 to the panchas. The site plan P-10 of the place of occurrence was prepared by the Patwari. Site plan P-7 was prepared by the Investigation officer. The body was sent in a sealed packet for post mortem examination to Medico Legal Institute, Gandhi Medical College Building, Bhopal where P.W.-15 Dr.B.K.Athwal conducted the post mortem and prepared the report P-17 and gave his opinion that the body is in advanced stage of decomposition with partially mutilated condition. The evidence of anti mortem injury over chest and neck consistent with traumatic asphyxia and strangulation present. Death is homicidal in nature. He also gave the report P-18. Dehati Nalishi P-16 was recorded on 08.06.96 by Police Officer Shri C. S. Netam

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक 4

मामला क्रमांक C.A. No. 125/97 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

of police station Sehava. On 08.06.96 under Ex.P-6, one green shirt and white dhoti of the deceased were taken into possession. While in police custody on 10.06.96 the accused/appellant gave memorandum P-3 regarding the weapon of offence-club and in pursuance of that he got recovered the club under Ex.P-4. The Investigation Officer took into possession a piece of half burnt *beedi*, two half burnt match sticks and one match box under Ex.P-5. During the investigation, the agreement receipt regarding sale of land receipt of the part payment of money Ex.P-2 was taken into possession under Ex.P-1 by the Investigating Officer. The recovered articles were sent for Chemical Examination to the Forensic Science Laboratory, Raipur from where the report P-15 was received. After completion of the investigation, charge sheet was filed under Section 302 and 201 of the IPC against the accused in the Court of Judicial magistrate First Class, Dhamtari who in turn committed the case to the Sessions Judge, Raipur from where the learned Additional Sessions Judge, Dhamtari received the case on transfer for trial.

3. The prosecution in order to establish the crime against the accused/appellant examined fifteen witnesses. Statement of the accused/appellant was recorded under Section 313 of the Cr.P.C. in which he denied the prosecution evidence appearing against him and stated that he is innocent and he has been falsely implicated in the crime.

4. Learned Sessions Judge after hearing the respective counsel for the parties convicted and sentenced the accused as mentioned in paragraph one of this judgment.

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक 5

मामला क्रमांक C.A.No. 1255 सन् 17 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -5-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

5 We have heard Shri Saurabh Dangi, learned counsel for the accused/appellant and Shri U.N.S.Deo, learned Additional Public Prosecutor on behalf of the State.

6 Homicidal death of Dhani Ram is not in dispute.

7 Apart from that, from the evidence of P.W.-15 Dr. B. K. Athwal, who conducted the post mortem on the body of Dhani Ram has stated that the injuries were anti mortem in nature. The thyroid from cartilage was fractured, right side third, fourth and sixth rib at mid clavicular line and on left side second, third, fourth, sixth, eighth, ninth and tenth ribs at mid clavicular line to anterior auxiliary line were found fractured. He opined that the evidence of anti mortem injury over the chest, neck consistent with traumatic asphyxia and strangulation present and death is homicidal in nature. Therefore, from the above evidence of the doctor it is established that the death of Dhani Ram was homicidal in nature.

8 Now coming to the involvement of the accused/appellant in committing the murder of his father Dhani Ram is concerned, there is no direct and ocular evidence in this case and the whole case rests on the circumstantial evidence. As per the settled law, in order to rest the conviction based on the circumstantial evidence, the essential ingredients to prove guilt of the accused person by circumstantial evidence are :

i) The circumstances from which the conclusion is drawn should be fully proved;

ii) the circumstances should be conclusive in nature.

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक 6

मामला क्रमांक Cr.A.No. 1205/97 सन् 2007

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -6-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

iii) all the facts so established should be consistent only with the hypothesis of guilt and inconsistent with the innocence;

iv) the circumstances should, to be moral certainty, exclude the possibility of guilt of any person other than the accused.

9. The prosecution has tried to establish the charge against the accused on the following circumstances:

v) the motive – as the deceased Dhani Ram was in custody therefore in order to engage the counsel and get Dhani Ram released on bail, he and accused/appellant Suna Ram were in need of money therefore they entered into an agreement for the sale of land of Dhani Ram in favour of P.W.-2 Kunwal Singh. Accused took advance of Rs. 2500/- from him and after release Dhani Ram was avoiding execution of the sale deed therefore the accused was feeling harassed as he took the advance money from Kunwal Singh for the sale of the agricultural land.

vi) the accused/appellant made extra judicial confession regarding committing murder of his father in front of his mother Chaiti Bai P.W.-1.

vii) Weapon of offence-club was recovered at the instance of the accused and the same was found stained with blood.

viii) The deceased was last seen alive on 02.06.96 in the company of accused.

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक 7

मामला क्रमांक C.A. No. 1205 सन् 97

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -7-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10. Now we shall proceed to examine the evidence available on record in order to ascertain whether the prosecution has been able to establish the charges against the accused based on the above circumstances:

i) As far as first circumstance (i.e. motive) is concerned, learned counsel for the accused/appellant while inviting the attention of the Court towards paragraph 5 of the evidence of P.W.-2 Kunwal Singh argued that this witness has stated that Dhani Ram informed him twice that he is ready to execute the sale deed. Therefore in view of the above evidence there was no reason to feel harassed by the accused and thus, this circumstance has not been established by the prosecution. In order to appreciate the arguments advanced by the counsel for the accused/appellant we have perused the evidence of P.W.-2 Kunwal Singh who has stated that accused Suna Ram and his mother Chaiti Bai agreed to sell the land admeasuring 36 decimals at the cost of Rs. 3200/-. The land was in the name of Dhani Ram (since deceased). In the first installment he paid Rs. 2100/- and thereafter he paid Rs. 400/- after demand and in all he paid Rs. 2500/- in advance to the wife of deceased Dhani Ram and thereafter that money was taken by accused/appellant Suna Ram and the receipt was executed in his name as Dhani Ram was in detention therefore it was agreed that after his release the sale deed will be executed. Dhani

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक 8

मामला क्रमांक C.A. No. 1265/97 सन् 100

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Ram was released from jail when in the month of January, he asked him to execute the sale deed on which he said that when his elder son Kashi Ram will come he will execute the sale deed. On the occasion of Holi festival, he (P.W.-2) again went to village Navapara Mechka along with his brother Naval Singh. Then Dhani Ram said that he will come with Kashi Ram. Why Dhani Ram was not executing the sale deed he does not know the reason. Again after two months he along with Suna Ram went to village Mechka and on that day Kashi Ram also came to Mechka. Dhani Ram said that he will come along with Kashi Ram but he never came. The time when Dhani Ram died, he was residing with accused/appellant Suna Ram at Bhishampuri. The receipt P-2 was taken into possession by the police from him under Ex.P-1.

ii) In the cross examination, this witness has stated that when Dhani Ram was in jail, accused/appellant Suna Ram and wife of Dhani Ram went to him to seek his consent and only thereafter they discussed to sell the land. He paid the money in presence of Kashi Ram, Chaiti Bai, Suna Ram and two other witnesses namely Vishwanath Patel & Roopnath. After release from jail Dhani Ram went to village Mechka to reside with his wife and on both the times, Dhani Ram said that he will execute the sale deed.

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक 9

मामला क्रमांक C.A.No. 855 सन् 97 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	-9-	

iii) The close scrutiny of the evidence of this witness P.W.-2 & P.W.-1 Chaiti Bai shows that Dhani Ram was reluctant and avoiding the execution of the sale deed. In this connection, if we look into the evidence of P.W.-1 Chaiti Bai in paragraph four of her evidence, she has categorically stated that her husband had not executed the sale deed. He said that he will not sell the land. He will return the money after earning the same. Before the death of Dhani Ram, since last one week, he was residing with Suna Ram. Thus, from the evidence of Chaiti Bai, wife of the deceased and mother of the accused/appellant it is evident that Dhani Ram was not prepared to execute the sale deed of the land in favour of Kunwal Singh and therefore accused/appellant Suna Ram who took the money and spent the same was under pressure for execution of the sale deed in favour of Kunwal Singh but deceased Dhani Ram was not ready to execute the land. There was a strong circumstance indicating the fact that since Dhani Ram was not executing the sale deed, accused/appellant Suna Ram was not happy with him rather he was feeling harassed on account of the non execution of the sale deed. It is evident from the evidence of P.W.-1 Chaiti Bai in paragraph four of her evidence that on account of that accused/appellant Suna Ram and deceased Dhani Ram

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक 10

मामला क्रमांक C.A. No. 125 सन् 17 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

indulged in *maar peet* and quarrelled which shows that the accused had motive to commit the crime.

iv) As far as the second circumstance (extra judicial confession regarding committing murder of Dhani Ram) is concerned, P.W.-1 mother of accused/appellant and wife of deceased has categorically stated in her evidence that the accused disclosed to her that he has murdered Dhani Ram with hand and lathi and in paragraph four she has stated that deceased Dhani Ram, her husband went to reside with his son Suna Ram at Bhishampuri and one week thereafter she was also called to Bhishampuri and when she reached their she saw that Suna Ram and Dhani Ram were quarrelling. In paragraph 5 she has stated that on enquiry by her, Suna Ram disclosed that he has murdered Dhani Ram and has buried him in the *Naala.* This witness has not been cross examined on the point of extra judicial confession made by the accused before her. Before resting conviction based on extra judicial confession as per the settled law, the Court is required to ascertain that the extra judicial confession made by the accused/appellant was voluntary, true and prompt. There is nothing in the evidence of this witness which makes the extra judicial confession of the accused/appellant involuntary. Moreover, this witness is none else than the mother of the accused and wife of

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक 11

मामला क्रमांक C.A. No. 125 सन् 97 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the deceased and on the one hand she lost her husband therefore the only person who remained for her assistance was the accused/appellant being her son, therefore, there was no occasion before this lady to make a false statement before the Court in order to implicate the accused/appellant i.e. her own son in a false case. As has been mentioned earlier in the cross examination the defence has not been able to elicit any circumstance by which the evidence of this witness becomes untrustworthy or unreliable. Therefore, we are of the considered opinion that the accused made voluntary extra judicial confession before his mother and from the other connected circumstance it can safely be held that the same was true.

v) As far as the other witnesses i.e. P.W.-7, 9 & 11 namely, Ram Prasad, Vishwanath and Ram Bhuwan are concerned the evidence of these witness is wavering and at some place it is seen that they have stated that the accused/appellant made extra judicial confession before the Police Officer therefore, the extra judicial confession made before these witnesses can not be said to be admissible as the same was made in the presence of the police officer.

vi) As far as third circumstance (Weapon of offence-club) is concerned, P.W.-14 C.S.Netam, S.I., Investigating Officer has stated that on 10.06.96 while in police

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक 12

मामला क्रमांक C.A. No. 1265 सन् 2017

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

custody, the accused/appellant gave memorandum P-3 that he has concealed the weapon of offence - club in the *Beshram bush* and in pursuance of that accused took him along with the witnesses to the place of occurrence and in the presence of the witnesses he took out the club from the *Beshram bush* and the same was taken into possession under P-4.

vii) P.W.-7 Ram Prasad has stated that accused/appellant Suna Ram brought the club and said that he had assaulted the deceased with this club and memorandum P-3 was prepared which bears his signature and the same was taken into possession under P-4. Thus, from the evidence of witness P.W.-7 and P.W.-14 Investigating Officer, C.S.Netam, it is established that the club was recovered at the instance of the accused and the same was sent for examination to the Forensic Science Laboratory, Sagar from where report P-15 was received and in which it has been opined that the club was found stained with blood.

viii) As far as fourth circumstance (last seen together-accused and the deceased) is concerned, the deceased was lastly seen alive in the company of the accused, as per the settled law, in order to connect the accused with the crime based on the last seen together with the accused, when the deceased was alive, the incidence of

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक 13

मामला क्रमांक C.A. No. 1285 सन् 97

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

क्र

last seen and crime must be so proximate with each other that there should not be any scope of coming any third person in between. Based on this principle if we examine the evidence of P.W.-3 Leelanath who has stated that in the market, accused/appellant Suna Ram and deceased Dhani Ram met him and they said that they will go home together and Dhani Ram purchased one bottle of liquor from a *Kalaar* and both deceased and accused consumed the liquor. They offered him but he had not consumed. Dhani Ram was saying that he will go Semardih where his family was living but in the meantime he went back to his house. On the next day, Suna Ram met him and said that he is going to forest but he did not disclose anything about Dhani Ram. Thereafter the on Friday, the villagers informed him that one dead body has been found buried in the river bed. In the cross examination, this witness has stated that Dhani Ram and Suna Ram, after returning from the market went to their residence and he went to his residence. P.W.-4 Kunti Bai has stated that accused Suna Ram, deceased Dhani Ram along with one person came to her to purchase liquor and they consumed the liquor and the day was Sunday. On the very next day morning even as per the report of accused/appellant Suna Ram merg intimation P-10, deceased was missing from the house and his body was found in the river bed and when the accused was informed, he immediately

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक 14

मामला क्रमांक Cr. A. No. 1205/97 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

-14-

identified the body to be of his father and as per the evidence of P.W.-1 Chaiti Bai, deceased used to reside in those days with the accused and as per the post mortem report P-17 dated 10.06.96 the duration of death was within 1-2 weeks and the accused and the deceased consumed liquor together on 02.06.96 and from the night of that day, deceased was found missing. Therefore, on the basis of the post mortem report also it is established that the death of Dhani Ram took place in the night of 02.06.96. If this circumstance is taken up together the other circumstance established is that the deceased was seen alive in the company of the accused just before his death. The accused made false report P-10 merg intimation in the police station that his father disappeared from the house.

11. In the result, based on the above circumstantial evidence, i.e.

a) judicial confession by the accused/appellant before his mother

b) that the weapon of offence-club was recovered at the instance of the accused

c) that there was motive behind the crime in question as the deceased was not executing the sale deed in favour of P.W.-2 Kunwal Singh, as the accused took the money from Kunwal Singh and there was pressure on the accused regarding the execution of the sale deed therefore there was a motive behind the crime and lastly

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक[15]

मामला क्रमांक G.A. No. 1265/97 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

d) that the deceased was last seen alive in the company of the accused and both of them consumed liquor, all these circumstances independently and taken together conclusively points towards the involvement of the accused in the crime in question.

12. The involvement of the accused in the crime in question i.e. committing the murder of his father is established under circumstantial evidence and there is nothing on record which points towards the innocence of the accused/appellant and the involvement of any other person in committing the murder of Dhani Ram.

13. As far as the conviction of the accused under Section 201 of the IPC is concerned, as the body of deceased Dhani Ram was found buried in the river bed and accused gave a false merg intimation in the police station that his father disappeared from the house and when villagers came to know about the dead body then only the crime in question was brought to light and by burying a body in the river bed, the accused/appellant tried to cause the disappearance of the evidence with an intention to scream himself from the legal punishment. As such, he has rightly been convicted under Section 201 of the IPC.

14. In the result, we are of the considered opinion that there is no illegality or infirmity in the impugned judgment convicting and sentencing the accused under Sections 302 and 201 of the IPC. The appeal is devoid of merits as the same being devoid of merits is liable to be dismissed and it is hereby dismissed.

Sd/-
L.C. Bhadoo
Judge

Sd/-
Dhirendra Mishra
Judge